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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,717	10/29/2003	Craig John Simonds	201-1113	5583

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EXAMINER	
LIEU, JULIE BICHNGOC	
ART UNIT	**PAPER NUMBER**
2636	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/695,717	SIMONDS ET AL.	
	Examiner	Art Unit	
	Julie Lieu	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/1/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed October 28, 2005. Claims 1, 3, 9-15, and 17-27. No claims have been canceled or added.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1, 3-13, 15-20, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US Patent No. 6,097,313).

Claim 1:

Takahashi et al. (Takahashi) disclose a system for providing remote data to a vehicle, comprising:

a. An off-board data source 0105;

b. A compute platform (fig. 1) for accessing the data source to acquire information and generating a stream of data (navigational data) as a function of time and relative location wherein the stream of data contains information have variable resolution that varies based on at least one of the time and relative location (see col. 4, lines 38-48, col. 5, lines 42-50, col. 8, lines 35-52, col. 9, lines 23-49); and

c. A data communication link 0106 for communicating data between the off-board data source 1015 and the vehicle wherein the stream of data is applied to the vehicle for use onboard the vehicle.

Claim 2:

The Takahashi system comprises a source (GPS system) for supplying the location of the vehicle.

Claim 3:

The relative location in Takahashi is a location of the vehicle to an expected destination.

Claim 4:

The compute platform (fig. 1) is located remote from the vehicle.

Claim 5:

The vehicle 0108 in Takahashi comprises an onboard data communication port (represented by vehicular onboard unit 0109) for receiving the supplied stream of data. See fig. 1.

Claim 6:

The compute platform in Takahashi generates the stream of data in response to receiving a data request from the vehicle. See fig. 1.

Claim 7:

In Takahashi, the stream of data is communicated to the vehicle via wireless communication.

Claim 8:

The vehicle disclosed in Takahashi has a data storage device located on the vehicle for storing the stream of data received at the vehicle.

Claim 9:

The data storage device in the vehicle unit purges data as a function of time and relative location. Col. 5, lines 42-50.

Claim 10:

The stream of data is determined as a function of travel distance from the location of the vehicle.

Claim 11:

The stream of data in Takahashi contains information having a resolution based on time and location of the vehicle. See col. 4, lines 38-48, col. 5, lines 42-50, and col. 8, lines 35-52).

Claim 13:

Takahashi discloses a system for providing remote data to a vehicle, comprising:

a. An off-board data source 0105 (fig. 1);

b. A distribution station remote 0106 from the vehicle and in data communication with the off-board data source, the distribution station comprising a transceiver for communicating with the vehicle;

c. A compute platform 0105 for accessing the data source to acquire information and generating a stream of data as a function of time and distance to a location, wherein the stream of data of data contains information have variable resolution that varies based on at least one of the time and relative location (see col. 4, lines 38-48, col. 5, lines 42-50, col. 8, lines 35-52, col. 9, lines 23-49); and

d. A data communication link 0106 for communicating data between the off-board data source 0105 and the vehicle wherein the stream of data is applied to the vehicle for use onboard the vehicle.

Claim 15:

The system in Takahashi further comprises a position-determining device (GPS receiver) for determining the position of the vehicle.

Claim 16:

The vehicle in Takahashi comprises an onboard data communication port for receiving the supplied stream of data.

Claim 17:

Takahashi discloses a system and thus method of supplying data from an off-board data supplier to an onboard device on a vehicle, said method comprising the steps of:

a. acquiring data communication between an off-board data supplier and a vehicle;

b. receiving a request for data from the vehicle (fig. 1, vehicle on-board unit);

c. determining a location of the vehicle (GPS);

d. determining a time reading (inherent); and

e. supplying data to the vehicle as a function of the time and the relative location of the vehicle, wherein the stream of data of data contains information have variable resolution that varies based on at least one of the time and relative location (see col. 4, lines 38-48, col. 5, lines 42-50, col. 8, lines 35-52, col. 9, lines 23-49).

Claim 18:

The rejection of claim 18 recites the rejection of claim 10, except it is a method claim.

Claim 19:

The rejection of claim 19 recites the rejection of claim 11, except it is a method claim.

Claim 20:

The rejection of claim 20 recites the rejection of claim 9, except it is a method claim.

Claim 22:

The rejection of claim 22 recites the rejection of claim 3, except it is a method claim.

Claim 23:

Takahashi discloses a system and thus method of supplying data from an off-board data supplier to an onboard device on a vehicle, said method comprising the steps of:

a. acquiring data communication between an off-board data supplier and a vehicle;

b. receiving a request for data from the vehicle (fig. 1, vehicle on-board unit);

c. determining a location of the vehicle (GPS);

d. determining a time reading (inherent); and

e. supplying data to the vehicle as a function of the time and the travel distance from a location, wherein the stream of data of data contains information have variable resolution that varies based on at least one of the time and travel distance from the location (see col. 4, lines 38-48, col. 5, lines 42-50, col. 8, lines 35-52, col. 9, lines 23-49).

Claim 24:

The rejection of claim 24 recites the rejection of claim 11, except it is a method claim.

Claim 25:

The data supplied the by data distribution station in Takahashi varies as a function of time.

Claim Rejections - 35 USC § 103

4. Claims 12, 14, 21, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US Patent No. 6,097,313) in view of COMDEX, Mercedes-Benz Article (cited by the applicant).

Claims 12 and 14:

The system in Takahashi further includes a transceiver within road-vehicle communication unit 0109, wherein the transceiver provides communication between the vehicle and the off-board source. The reference fails to disclose locating a communication unit between the vehicle and the off-board source at a fueling station. However, this concept is known in the art as taught in COMDEX. In light of this teaching, it would have been obvious to one skilled in the art to applying this teaching in Takahashi system because a fueling station is one of the locations that is convenient for a vehicle to stop by and acquire information from the off-board data source. Further, by locating a road unit 0109 would only increase the convenience and reliability of the system to insure that the information is obtained by the vehicle unit, but the function of the device would not thereby be modified.

Claim 14:

The rejection of claim 14 recites the rejection of claim 12, except it is a method claim.

Claim 21:

The rejection of claim 21 recites the rejection of claim 12, except it is a method claim.

Claim 27:

The rejection of claim 21 recites the rejection of claim 12, except it is a method claim.

Remarks

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

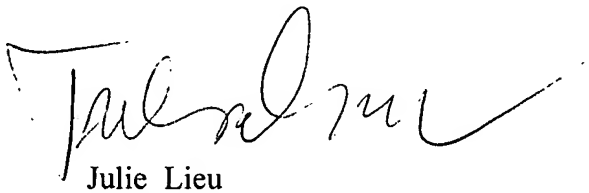
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Jan. 06, 06